

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

TINA MARIE HOWLAND,

Civil 10-0005 (JRT/FLN)

Plaintiff,

v.

MICHAEL ASTRUE,

**AMENDED ORDER
ADOPTING REPORT
AND RECOMMENDATION**

Defendant.

Michael Riley, **HOGLUND, CHWIAŁKOWSKI & MROZIK, PLLC**, 1611 West County Road B, Suite 106, Roseville, MN 55113, for plaintiff.

Lonnie Bryan, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated January 14, 2011 [Docket No. 12]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendant's Motion for Summary Judgment [Docket No. 9] is **DENIED**; and
2. Plaintiff's Motion for Summary Judgment [Docket No. 6] is **GRANTED**, **in part**, and **DENIED, in part**, as follows:

- a. The decision of Administrative Law Judge William G. Brown dated April 23, 2009 is **REVERSED**.
- b. This matter is **REMANDED** to the Social Security Administration pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with the opinion of Magistrate Judge Noel.
- c. The motion is **DENIED** in all other respects.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: February 8, 2011
at Minneapolis, Minnesota

s/ John R. Tunheim
JOHN R. TUNHEIM
United States District Judge